UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 2215
v.	COMPLAINT FOR VIOLATION OF:
Juan Manuel JUAREZ-Viurquiz, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 20, 2008** within the Southern District of California, defendant, **Juan Manuel JUAREZ-Viurquiz,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **JULY, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan Manuel JUAREZ-Viurquiz

PROBABLE CAUSE STATEMENT

On July 20, 2008, Border Patrol Agent J. Hernandez was performing line watch duties in the Imperial Beach Border Patrol Station area of responsibility. At approximately 1:00 a.m., an inside scope operator notified agents, via agency radio, of six possible illegal aliens running north in an area known as "East Smugglers." This area is located approximately 200 yards north of the United States/Mexico International Boundary Fence and three miles west of the San Ysidro, California Port of Entry.

Agent Hernandez responded to the area and after a brief search found six subjects attempting to hide in dense brush. Agent Hernandez identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status. All six, including one later identified as the defendant **Juan Manuel JUAREZ-Viurquiz**, admitted to being citizens and nationals of Mexico not in possession of any immigration documents which would allow them to enter or remain in the United States legally. Agent Hernandez placed the six subjects under arrest and they were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 15, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.